Wetlands

Critical Areas Ordinance Information Sheet

Wetlands occur where the soil is wet for enough time during the growing season to affect which species of plants can grow. The growing season depends on the soil temperature and ranges from 7 months to all year in King County.

Even though a wetland may not appear to be wet, the soil may actually be wet under the surface during enough of the growing season so that mostly water-tolerant plants can grow.

King County protects wetlands as critical areas, in accordance with the state Growth Management Act.

Current and proposed requirements

King County currently categorizes wetlands into one of three classes based on the presence of endangered or threatened species, the types of vegetation present, the size of the wetland, and the percent open water. The proposed Critical Areas Ordinance adopts the state's wetlands rating system for western Washington, which differentiates between wetlands based on their rarity, sensitivity to disturbance, irreplaceability, and the functions they provide.

In the proposed rating system, wetlands are placed in one of four categories according to their resource value.

Category I wetlands are rare, provide support to rare species, or would take longer than a human lifetime (or centuries in some cases) to replace.

Category I wetlands have one or more of the following attributes:

- Documented habitat for, or occurrence of federal- or state-listed endangered or threatened species;
- High quality native wetlands included in the Natural Heritage Information System;
- Documented as regionally significant waterfowl or shorebird concentration areas;
- Irreplaceable ecological functions; or
- Wetlands of exceptional local significance. These include wetlands:
  - with 40 to 60 percent open water and two or more vegetation classes;
  - 10 or more acres with three or more vegetation classes, one of which is submerged in permanent open water;
  - identified in county-approved basin plans or watershed (WRIA) plans as regionally significant resource area wetlands;
  - located within 250 feet of an aquatic area or a wildlife network;
  - part of a wetland complex; or
  - identified as locally significant by DDES through administrative rule.

Category II wetlands are more common than Category I wetlands, but still need a high level of protection. These wetlands provide habitat for valuable species, are very difficult to replace, or provide high functions, particularly for wildlife habitat.

Category II wetlands meet no Category I criteria and meet one of the following:

- Documented habitat for, or occurrence of federal- or state-listed species other than endangered or threatened species;
- Wetlands in rural areas or natural resource lands with documented habitat for state-listed candidate species;
- State- or county-recognized priority species or their habitat;
- Significant functions that may not be replicated through creation or restoration;
- Significant habitat value (22 or more points) on state rating form; or
- Wetlands of local significance that are not Category I wetlands (may be identified by administrative rule).

Category III wetlands occur more frequently than Category I or II wetlands, but are difficult to replace and require a moderate level of protection. They are generally smaller and have less diverse plant and wildlife species.

Category III wetlands meet no Category I, II, or IV criteria and have lower significant habitat values (21 or fewer points) on the state rating form.

Category IV wetlands are the smallest, most isolated, and have the least diverse vegetation. They can generally be replaced or improved. However, they do provide important functions and values, and should receive some level of protection.

Category IV wetlands meet no Category I, II, or III criteria and meet one of the following:

- Less than one acre, hydrologically isolated, with one vegetated class and 80 percent or greater aerial cover by soft rush, hard hack, or cattail; or
- Less than two acres, hydrologically isolated, with one vegetated class and greater than 90 percent aerial cover of any combination of non-native plant species.

Buffers

Buffers on wetlands protect the wetland and provide a variety of ecological functions. The proposed Critical Areas Ordinance includes limitations on the type of activities allowed within wetland buffers. Those activities that are allowed often require the applicant to prepare a critical areas report that includes an analysis of the impact of the activity on the wetland and its buffer and proposes mitigation to minimize or eliminate those impacts.

Proposed minimum buffers for each category of wetland are:

Category I: 300 feet
Category II: 200 feet
Category III: 100 feet
Category IV: 50 feet

Averaging of buffer widths may be allowed on a case-by-case basis.

What activities are allowed in buffers?

When the minimum buffers are maintained, several activities are allowed within wetland buffers, either as an exemption or as an allowed alteration. In appropriate circumstances, a property owner may also be eligible for a variance or reasonable use exception. If the exemptions and allowed alterations do not allow a particular activity, a property owner may be able to undertake that activity after completing a major habitat evaluation.

The following activities are either exempt or are allowed alterations in wetlands and their buffers. In general, the area affected by existing facilities may not be expanded, and hazardous substances, pesticides, or fertilizer may not be used in the wetland or its buffer. When a wetland is located in an aquatic area, the more restrictive requirements will apply. Disturbed areas must generally be replanted with native vegetation. Many of these activities also require the preparation of a critical area report and mitigation to address their impacts:

- Public or private utility corridor and possibly a parallel maintenance road
- Surface water conveyance through, or discharge into the buffer
- Public or private trail
- Dock, pier, moorage, float, or launch facility on an existing lot may be allowed
- Alteration of an isolated wetland
- One additional agricultural building in the buffer of grazed wet meadow if the meadow has been grazed continuously since 1990
- Removal of noxious weeds or invasive species, such as white water lily, Himalayan blackberry, and evergreen blackberry
- Removal of vegetation from buffers for surveying
- Removal of hazardous trees
- Road or underground utility crossing of a wetland
- Reconstruction, remodeling, or replacement of existing structure (if rebuilt, must be no closer to wetland than existing structure)
- Wetland enhancement or restoration
- Livestock manure storage facilities and associated pollution control facilities
- Exploratory drilling and testing for preparation of critical area reports

Options

The proposed Critical Areas Ordinance increases the buffers on wetlands and other aquatic resources. It also includes additional limitations on the types of activities that may be allowed within a wetland buffer. The proposal is based on King County's preliminary consideration of the best available science and county and state growth management goals. See Overview of Best Available Science for Critical Areas Protection in King County (December 2002) for a summary of King County's approach to using best available science.

The proposed Critical Areas Ordinance establishes general standards that apply to most parts of King County. These standards are based on an evaluation of the average conditions that are likely to be found throughout the county. General standards are relatively simple to implement and provide a property owner certainty about the requirements that will be applied to his or her property. This results in a less costly permitting process and less need to rely on expensive experts.

However, best available science suggests that the standards needed to protect a particular wetland are dependent on a variety of factors, including conditions on site and in the sub-basin in which the property is located. A site-specific study is generally required to evaluate these conditions and often requires qualified experts to prepare the studies. Such studies can be expensive and the results are frequently subject to interpretation.

The proposed Critical Areas Ordinance does include a provision allowing a property owner to prepare a major habitat evaluation in order to propose an alternative to the standard development regulations.

To learn more

To learn more, access the following Web site:

http://www.metrokc.gov/ddes/cao